

26th January 1753.

Unto the Right Honourable the Lords of Council and Session,

The PETITION of *John Stewart Nicolson Schaw*,
eldest Son of Sir *Michael Stewart* of *Blackhall*
Baronet, and of my said Father as my Admini-
strator in Law,

Humbly sheweth,

THAT I, as Heir of Tailie and Provision of the deceast Sir *John Schaw* of *Greenock*, duly served and retoured, with Concourse of my said Father, for his Interest, and of his Majesty's Advocate, for his Majesty's Interest, have raised a Process of Reduction, Improbation, Declarator and passive Titles, against Dame *Margaret Dalrymple*, Relict of the said Sir *John Schaw*, and *Charles Lord Cathcart*, for setting aside all the heretable Rights and other Deeds, particularly and generally therein mentioned, granted by the said Sir *John*, in favour of the Defenders, or either of them, or any other Person for their Behoof, of or any ways concerning the Lands and Barony of *Greenock*, and other Lands and Heretages particularly libelled, as being void, for this amongst other Reasons, that the said Sir *John Schaw* my Grand-uncle was restrained from granting these Deeds by the Tailie of the foresaid Lands and Heretages, to which I am served Heir, and also for obtaining the Defenders, as representing Sir *John*, ordained to relieve the tailed Estate of certain Debts which he ought to have paid.

That this Process came by the Course of the Roll before Lord *Minto*, Lord Ordinary in the Outer-house for the Time, and the Defenders having produced a Multitude of Deeds granted by the said Sir *John Schaw* in their Favour, *Avisandum* was made therewith to your Lordships, and Certification *contra non producta* granted upon the 28th Day of *December* last.

That by the 5th Article of the Regulations concerning the Session in the 16th Act of the Parliament 1672, 'tis appointed, that a Book be kept for Inrolment of Processes to be discussed in the Inner-house, containing Causes proper for Inner-house, such as discussing Reasons of Reduction of heretable Rights of Lands or Annualrents, Declarators of Rights thereof, &c. and that the saids Processes shall be inserted in the said Book as they are in Readiness to be discussed in the Inner-house, viz. Reductions after the Production is closed, and Declarators, &c. after the Dilators are discussed in the Outer-house, and great *Avisandum* made by the Ordinary in the Outer-house, who is to proceed no further therein, and this, according to the Date of the *Avisandum*, as it stands written upon the Process by the Clerk.---And agreeable to this Regulation, my Process ought to have been inrolled in the Roll of ordinary Actions for the Inner-house.

But that as, by the 11th Article of the same Regulations, your Lordships are allowed to alter the Order of the said Rolls, by Deliverance or Warrant, for discussing Reasons of Reduction of small Difficulty and Importance in the Outer-house, before they be inrolled in the Inner-house, and as your Lordships are daily in use to grant such Warrants upon the Pursuer's Application, so I, upon my Petition last Week, obtained your Lordships Deliverance, remitting to the Lord Ordinary in the Outer-house this Week to discuss my Reasons of Reduction: And in consequence thereof the Remit was inrolled in the Outer-house Roll last *Saturday*, and my Process called this Week before the Lord *Elchies* the Lord Ordinary.

But that his Lordship, after a full Hearing of the Reasons of Reduction, and Answers thereto, was of Opinion, that the same were of greater Difficulty and Importance than I had imagined, and that the same behoved to be inrolled in the Inner-house Rolls; and therefore hath again made *Avisandum* with the Process to your Lordships, and allowed me to make this Application; and with which the Defender's Council will heartily concur.

May it therefore please your Lordships, to appoint my said Process to be inrolled in the Roll of ordinary Actions for the Inner-house next Week, and grant Warrant for that Purpose.

According to Justice and your Lordships Answer.

WALTER STEWART.